

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

December 20, 2007

In the Matter of
Pribhu Hingorani, Trustee of
One Hundred Fourteen Trust

OADR Docket No. WET-2007-007
DEP File No. 242-1407
North Andover, MA

FINAL DECISION
DISMISSING APPEAL WITHOUT PREJUDICE

On November 29, 2007, the Office of Appeals and Dispute Resolution (“OADR”) of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) received an appeal document from the applicant/petitioner Pribhu Hingorani, Trustee of One Hundred Fourteen Trust (“the applicant/petitioner”) entitled “Applicant’s Motion and Memorandum for Summary Decision.” The appeal document concerns a wetlands matter in North Andover, Massachusetts (“North Andover”). North Andover is a municipality within the environmental law enforcement jurisdiction of the Department’s Northeast Regional Office.

On November 29, 2007, a representative of the Department’s Northeast Regional Office informed OADR’s Case Administrator that the applicant/petitioner’s appeal document is not an administrative appeal of a Reviewable Decision in a Wetlands Permit case,¹ but rather, is a

¹ A “Reviewable Decision” in a Wetlands Case is a MassDEP decision that is (1) a superseding order of conditions, (2) a superseding denial of an order of conditions, (3) a superseding determination of applicability and/or a superseding order of resource area delineation, or (4) a variance. See 310 CMR 10.04. The provisions of 310 CMR

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request for a Superseding Order of Conditions (“SOC”). As a result, the Acting Chief Presiding Officer of OADR issued an Order on December 7, 2007 directing the applicant/petitioner to file with OADR by Monday, December 17, 2007, a written notice that the applicant/petitioner was withdrawing its appeal from OADR without prejudice. The Acting Chief Presiding Officer also ordered that alternatively, the parties could file by December 17th, a joint stipulation of dismissal of the appeal without prejudice.

On December 10, 2007, the applicant/petitioner complied with the Acting Chief Presiding Officer’s December 7th Order by filing a letter with OADR confirming the applicant/petitioner’s withdrawal of the appeal from OADR. Accordingly, this appeal is dismissed without prejudice.

*This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.*

Date: _____

Laurie Burt
Commissioner

10.05(7)(j) govern the appeal of a Reviewable Decision, and the appeal of a MassDEP decision denying a request for a superseding order of conditions.